

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on January 12, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SB148, SB114, SB136, SJ5

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON SB148

SEN. KEN TOOLE moved to amend SB 148.

Discussion:

David Niss, Legislative Services, explained **SEN. TOOLE'S amendment #SB014804** which would delete section #1 in its entirety. **SEN. TOOLE** explained this amendment resulted because

of a concern he had when people go into a Clerk of Court's office pulling documents from many people. **SEN. TOOLE** was concerned about how consistent the different sites would be in requiring people to sign their names to view records.

David Niss, Legislative Services, explained (**SB014804.adn**) was included in the material passed out by the Clerk's Association below each of their numbered paragraphs, #1-5.

Motion/Vote: **SEN. TOOLE** moved that **SB 148 BE AMENDED**. (**SB014804.adn**) Motion carried unanimously.

Motion/Vote: **SEN. ED BUTCHER** MOVED TO AMEND **SB 148** - (**SB014802.adn**) Motion carried unanimously.

{Tape : 1; Side : B; Approx. Time Counter : 4}

Motion/Vote: **SEN. JOHN BOHLINGER** moved that **SB 148 DO PASS AS AMENDED**. Motion carried unanimously.

EXECUTIVE ACTION ON SB 114

Motion: **SEN. JIM ELLIOTT** moved to amend **SB 114**.

Discussion:

David Niss explained that **Amendment #SB11402.adn** requested by **SEN. TOOLE** would change the period of time within which an employee could not work for an employer doing a specific job for that private employer that the former state employee did for the state; the amendment knocks that period back from 24 months to 6 months (page 2, line 27).

Amendment #SB011403.adn states that a lobbyist for a for-profit private business entity is the concern. **SEN. JIM ELLIOTT** was interested in this amendment because of concern about legislators leaving their present positions and then going out to use their connections made to acquire a lobbying job to make large amounts of money.

{Tape : 1; Side : B; Approx. Time Counter : 21}

Substitute Motion/Vote: **SEN. ELLIOTT** made a motion to move **AMENDMENT SB011403.ADN**. Motion carried unanimously.

Motion: SEN. KEN TOOLE moved AMENDMENT SB011402.adn. SEN. TOOLE stated this amendment resulted from a concern about restricting people's opportunities upon leaving public office or employment.

Discussion:

SEN. JOHN BOHLINGER said AMENDMENT SB011402.adn would destroy the intent of SB 114.

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SEN. EVE FRANKLIN expressed support for SEN. TOOLE's amendment because she also had concern about being required to wait 24 months. She also felt 24 months was too long to wait to be able to employed in the same area.

SEN. BUTCHER said he felt if the time limit is going to be changed to six months instead of 24 months, then the entire time limit issue should be left out of the bill. He said six months is not worth even considering because anyone can wait six months with no trouble. He said within six months, the employees still have close contacts with the same people. SEN. BUTCHER said the entire ethics clause should be removed if it is going to be changed to six months instead of 24 months.

SEN. ELLIOTT pointed out Sec., Line 27 in this bill says "a former employee may not within six months, current law, following termination of contract or be employed by an employer who contracts with the state or any of its sub-divisions involving matters in the form where the employee was directly involved during his employment..." He went on to page two, line two where it talks about contract work.

Vote: SEN. TOOLE moved AMENDMENT SB011402.adn. Motion failed 3-4.

{Tape : 2; Side : A; Approx. Time Counter : 15}

Motion/Vote: SEN. ELLIOTT moved that SB 114 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 136

SEN. TOOLE stated a concern about having the exempt position listed in SB 136. SEN. BOHLINGER disagreed that the exempt positions would be used for political patronage purpose and that

the intent of the bill is to provide a salary benefit that would make these jobs competitive.

SEN. ELLIOTT commented that there are problems with the pay plan, there are problems with retaining people; however, making exceptions in every board and agency by creating exempt positions are not the answer. **Sen. Elliott** feels this problem needs to be addressed as a whole piece of cloth.

{Tape : 2; Side : A; Approx. Time Counter : 25}

Motion/Vote: SEN. FRANKLIN moved that SB 136 DO PASS. Motion failed 1-7 with Bohlinger voting aye.

Motion/Vote: SEN. FRANKLIN moved that SB 136 BE TABLED. Motion carried 7-0 with Bohlinger voting no.

EXECUTIVE ACTION ON SJ 5

Motion/Vote: SEN. JOHN BOHLINGER moved that SJ 5 DO PASS. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 29}

EXHIBIT(sts09a01) David Niss distributed an "Unofficial Draft Copy" of LC1516 and explained the hand-out. LC1516 would forge a closer relationship between the work of the interim study committees and the jurisdiction and the bills considered pursuant to that jurisdiction of the standing committees.

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts09aad)